

Gary M. Hoffman (Pro Hac Vice)  
Kenneth W. Brothers (Pro Hac Vice)  
DICKSTEIN SHAPIRO MORIN  
& OSHINSKY, LLP  
2101 L Street, NW  
Washington, DC 20037-1526  
Phone (202) 785-9700  
Fax (202) 887-0689

Edward A. Meilman (Pro Hac Vice)  
**DICKSTEIN SHAPIRO MORIN**  
**& OSHINSKY, LLP**  
1177 Avenue of the Americas  
New York, New York 10036-2714  
Phone (212) 835-1400  
Fax (212) 997-9880

Jeffrey B. Demain, State Bar No. 126715  
Jonathan Weissglass, State Bar No. 185008  
**ALTSHULER, BERZON, NUSSBAUM, RUBIN & DEMAIN**  
177 Post Street, Suite 300  
San Francisco, California 94108  
Phone (415) 421-7151  
Fax (415) 362-8064

Attorneys for Ricoh Company, Ltd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RICOH COMPANY LTD., )  
Plaintiff, ) Case No.: C-03-4669-MJJ (EMC)  
vs. )  
AEROFLEX INCORPORATED, ET AL. )  
Defendants ) **RICOH'S REPLY TO ANSWER AND**  
 ) **COUNTERCLAIMS OF DEFENDANT**  
 ) **AMI SEMICONDUCTOR, INC. TO**  
 ) **AMENDED COMPLAINT FOR PATENT**  
 ) **INFRINGEMENT**  
)

Plaintiff Ricoh Company, Ltd. ("Ricoh") for its Reply to the Answer and Counterclaims of Defendant AMI Semiconductor, Inc. To Amended Complaint For Patent Infringement (hereinafter "Answer and Counterclaim of AMI"), alleges as follows:

1       1. Paragraphs 1-66 of the Answer and Counterclaim of AMI do not require a response,  
2 nevertheless and to the extent necessary, Plaintiff Ricoh asserts all defenses and affirmation defenses  
3 available to it, including but not limited to failure to state a claim upon which relief can be granted  
4 and lack of subject matter jurisdiction.

5       2. Plaintiff Ricoh admits the allegations of paragraph 67 of the Answer and Counterclaim  
6 of AMI.

7       3. Plaintiff Ricoh admits the allegations of paragraph 68 of the Answer and Counterclaim  
8 of AMI.

9       4. With respect to paragraph 69 of the Answer and Counterclaim of AMI, Ricoh admits  
10 there is a justiciable controversy insofar as the counterclaims relate to claims 13-17 of the '432 Patent  
11 but denies there is a justiciable controversy to the extent any of the counterclaims relate to any of the  
12 other claims of the '432 Patent and further states that the Court lacks jurisdiction with respect to such  
13 counterclaims.

14       5. Plaintiff Ricoh admits this Court has personal jurisdiction over Ricoh and otherwise  
15 denies the allegations of paragraph 70 of the Answer and Counterclaim of AMI.

16       6. Plaintiff Ricoh admits venue is proper in this district and otherwise denies the  
17 allegations of paragraph 71 of the Answer and Counterclaim of AMI.

18       7. Plaintiff Ricoh admits the allegations of paragraph 72 of the Answer and Counterclaim  
19 of AMI insofar as they relate to claims 13-17 of the '432 Patent but denies there is a justiciable  
20 controversy as to any of the other claims of the '432 Patent and the Court therefore lacks jurisdiction  
21 with respect to such other claims.

22       8. In response to paragraph 73 of the Answer and Counterclaim of AMI, Plaintiff Ricoh  
23 incorporates its responses to paragraph 67-71 of the Answer and Counterclaim of AMI as if fully set  
24 forth herein, denies the allegations in paragraphs 58-66 of the Answer and Counterclaim of AMI; and  
25 notes there are no allegations requiring response in paragraph 1-57 of the Answer and Counterclaim  
26 of AMI but nevertheless and to the extent necessary, admits or denies or denies information and  
27 belief sufficient to form a belief, as appropriate, as to any statements therein.

9. Plaintiff Ricoh admits the allegations of paragraph 74 of the Answer and Counterclaim of AMI, but alleges that it is the owner of the '432 Patent.

10. Plaintiff Ricoh admits the allegations of paragraph 75 of the Answer and Counterclaim of AMI.

11. Plaintiff Ricoh denies the allegations of paragraph 76 of the Answer and Counterclaim of AMI.

12. Paragraph 77 of the Answer and Counterclaim of AMI is not a proper allegation but rather is a prayer for relief; nevertheless and to the extent necessary, plaintiff Ricoh denies the allegations of paragraph 77 of the Answer and Counterclaim of AMI.

13. In response to paragraph 78 of the Answer and Counterclaim of AMI, Plaintiff Ricoh incorporates its responses to paragraph 67-71 of the Answer and Counterclaim of AMI as if fully set forth herein, denies the allegations in paragraphs 58-66 of the Answer and Counterclaim of AMI; and notes there are no allegations requiring response in paragraph 1-57 of the Answer and Counterclaim of AMI but nevertheless and to the extent necessary, admits or denies or denies information and belief sufficient to form a belief, as appropriate, as to any statements therein.

14. Plaintiff Ricoh denies the allegations of paragraph 79 of the Answer and Counterclaim of AMI.

15. Paragraph 80 of the Answer and Counterclaim of AMI is not a proper allegation but rather is a prayer for relief; nevertheless and to the extent necessary, plaintiff Ricoh denies the allegations of paragraph 80 of the Answer and Counterclaim of AMI.

16. Paragraph 81 of the Answer and Counterclaim of AMI is not a proper allegation and is not permitted under the Federal Rules of Civil Procedure and therefore does not require a response; nevertheless and to the extent necessary, plaintiff Ricoh denies the allegations of paragraph 81 of the Answer and Counterclaim of AMI.

## **PRAYER FOR RELIEF**

WHEREFORE, Ricoh prays for entry of judgment:

that AMI has infringed the '432 Patent;

1       that AMI, its agents, employees, representatives, successors, and assigns and those acting, or  
2 purporting to act, in privity or in concert with AMI, be preliminarily and permanently enjoined from  
3 further infringement of the '432 Patent;

4       that AMI account for and pay to Ricoh all damages under 35 U.S.C. § 284, including  
5 enhanced damages, caused by the infringement of the '432 Patent, and attorneys' fees pursuant to 35  
6 U.S.C. § 285;

7       that Ricoh be granted pre-judgment and post-judgment interest on the damages caused to it by  
8 reason of AMI's infringement of the '432 Patent;

9       that AMI's Counterclaim be dismissed with prejudice;

10      that costs be awarded to Ricoh; and

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1           that Ricoh be granted such other and further relief as the Court may deem just and proper  
2 under the current circumstances.

3  
4 Dated: May 17, 2004

Respectfully submitted,  
Ricoh Company, Ltd.

5  
6 By: /s/ Kenneth Brothers

7           Jeffrey B. Demain, State Bar No. 126715  
8           Jonathan Weissglass, State Bar No. 185008  
9           ALTSCHULER, BERZON, NUSSBAUM,  
10           RUBIN & DEMAIN  
11           177 Post Street, Suite 300  
12           San Francisco, California 94108  
13           Phone: (415) 421-7151  
14           Fax: (415) 362-8064

15           Gary M. Hoffman  
16           Kenneth W. Brothers  
17           DICKSTEIN SHAPIRO MORIN &  
18           OSHINSKY LLP  
19           2101 L Street NW  
20           Washington, D.C. 20037-1526  
21           Telephone: (202) 785-9700  
22           Facsimile: (202) 887-0689

23           Edward A. Meilman  
24           DICKSTEIN SHAPIRO MORIN &  
25           OSHINSKY LLP  
26           1177 Avenue of the Americas  
27           New York, New York 10036  
28           Telephone: (212) 896-5471  
29           Facsimile: (212) 997-9880

30           Attorneys for Ricoh Company, Ltd.